

State of Wisconsin
Before the Nursing Home Administrators Examining Board

In the Matter of the Disciplinary Proceedings Against

Philip J. Castleberg
Respondent.

Case No. LS 9705091 NHA

Final Decision and Order

The parties to this proceeding for purposes of s. 227.53, Stats., are

Philip J. Castleberg
1344 Longhill Drive
Apopka FL 32712

Nursing Home Administrator Examining Board
Department of Regulation and Licensing
P.O. Box 8935
Madison WI 53708

Division of Enforcement
Department of Regulation and Licensing
P.O. Box 8935
Madison WI 53708

The parties having agreed to the stipulation attached, the Nursing Home Administrator Examining Board makes the following

Findings of Fact

1. Respondent, Philip J. Castleberg, was born on October 18, 1949, and was granted Nursing Home Administrator license number 2194 on October 21, 1986. Respondent's most recent registration expired on July 1, 1996. Respondent resides at 1344 Longhill Drive, Apopka, FL 32712.

2. Respondent was the administrator of Villa Pines Living Center in Friendship, Wisconsin, from January 1990 to April 1995.

3. During the later part of his tenure as administrator of Villa Pines Living Center, Respondent was routinely absent from Villa Pines Living Center.

Conclusions of Law

1. The Nursing Home Administrator Examining Board has jurisdiction in this matter pursuant to s. 456.10(2), Stats.

2. By his routine absence from Villa Pines during the later part of his tenure as administrator of the facility, Respondent violated s. NHA 5.02(2), Wis. Admin. Code.

Order

Now, therefore, it is ordered that Philip J. Castleberg be and hereby is reprimanded.

It is further ordered that the license previously issued to Mr. Castleberg is LIMITED by the following conditions:

a. Mr. Castleberg shall complete a 400 hour administrator in training program in Wisconsin under the supervision of James Deignan, a Wisconsin licensed nursing home administrator.

b. For a period of 6 months including the AIT program, Mr. Castleberg shall maintain a record of his presence at the facility in which he is pursuing the AIT program. At a minimum, the record shall be substantially equivalent to a time clock record.

c. Mr. Castleberg or his supervisor will file monthly reports with the Department Monitor, Michelle Neverman, Division of Enforcement, P.O. Box 8935, Madison WI 53708 on or before the 5th of each month during the term of the six month period specified in (b). The Division of Enforcement shall audit Mr. Castleberg's records required under the preceding paragraph (b) by unannounced visit or inspection and investigation.

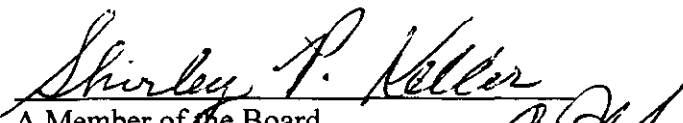

d. The costs of complying with these conditions shall be the responsibility of Mr. Castleberg, but nothing in this Order prohibits Mr. Castleberg from receiving compensation for his services from any employer.

e. The limitation shall be removed from Mr. Castleberg's license upon satisfactory proof of successful completion of the conditions set forth in the preceding paragraphs (a) through (d).

It is further ordered that Mr. Castleberg will pay the costs of this proceeding in the amount of \$1500.00 within thirty days of the date of this Order.

Dated this 22nd day of July, 1997.

Wisconsin Nursing Home Administrator Examining Board


A Member of the Board 

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Before the Nursing Home Administrators Examining Board

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Stipulation

It is hereby stipulated between Philip J. Castleberg, personally and on his own behalf, with his attorney, Maureen Molony, and James E. Polewski, Attorney for the Division of Enforcement, Department of Regulation and Licensing, as follows:

1. This stipulation is entered in resolution of the pending proceedings concerning Mr. Castleberg's license. The Stipulation and the proposed Final Decision and Order shall be presented directly to the Nursing Home Administrator Examining Board for its consideration and adoption.
2. For the purpose of resolving this matter without further expense or uncertainty of litigation, Mr. Castleberg consents to the entry of the attached Final Decision and Order without admitting any of the Facts stated therein or agreeing with any of the Conclusions of Law.
3. Mr. Castleberg is aware of and understands each of his rights, including:
 - the right to a hearing on the allegations against him, at which the state would have the burden of proving the allegations by a preponderance of the evidence,
 - the right to confront and cross-examine the witnesses against him,
 - the right to call witnesses on his own behalf and to compel their attendance by subpoena,
 - the right to testify himself,
 - the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision,
 - the right to petition for rehearing,
 - the right to be represented at every stage of the proceeding, including the making of any stipulation, by an attorney of his choosing, at his own expense,
 - all other rights afforded to him under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes and the Wisconsin Administrative Code.

4. Mr. Castleberg is aware and understands that by signing this stipulation he voluntarily and knowingly waives the rights set forth in paragraph 3 above, and does voluntarily and knowingly waive those rights.


5. If the terms of this stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

6. The parties to this stipulation agree that the attorney for the Division of Enforcement and the member of the Nursing Home Administrator Examining Board assigned as an advisor in this investigation may appear before the Board for the purpose of speaking in favor of this agreement and answering questions that the members of the Board may have in connection with their deliberations on the stipulation.

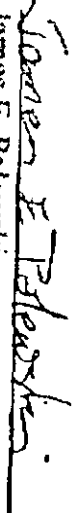

Philip J. Castleberg


Date June 20 1997


Maureen Molony


Date 6-20-97

Beck, Chael, Loomis, Molony & Bamberger
Attorney for Mr. Castleberg


James E. Polewski
Attorney


Date June 20 1997

Division of Enforcement

Department of Regulation & Licensing

State of Wisconsin

P.O. Box 8935, Madison, WI 53708-8935

(608)

TTY# (608) 267-2416, hearing or speech

TRS# 1-800-947-3529, impaired only

GUIDELINES FOR PAYMENT OF COSTS AND/OR FORFEITURES

On July 22, 1997, the Nursing Home Administrator Examining Board took disciplinary action against your license. Part of the discipline was an assessment of costs and/or a forfeiture.

The amount of the costs assessed is: \$1,500.00 Case #: LS9705091NHA

The amount of the forfeiture is: _____ Case # _____

Please submit a check or a money order in the amount of \$ 1,500.00

The costs and/or forfeitures are due: August 21, 1997

NAME: Philip J. Castleberg LICENSE NUMBER: 2194

STREET ADDRESS: 1344 Longhill Drive

CITY: Apopka STATE: FL ZIP CODE: 32712

Check whether the payment is for costs or for a forfeiture or both:

 X COSTS FORFEITURE

Check whether the payment is for an individual license or an establishment license:

 X INDIVIDUAL ESTABLISHMENT

If a payment plan has been established, the amount due monthly is:

Make checks payable to:

DEPARTMENT OF REGULATION AND LICENSING
1400 E. WASHINGTON AVE., ROOM 141
P.O. BOX 8935
MADISON, WI 53708-8935

#2145 (Rev. 9/96)

Ch. 440.22, Stats.

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STATE OF WISCONSIN
DEPARTMENT OF REGULATION AND LICENSING
BEFORE THE NURSING HOME ADMINISTRATORS EXAMINING BOARD

In the Matter of the Disciplinary Proceedings Against

Philip J. Castleberg,

AFFIDAVIT OF MAILING

Respondent.

STATE OF WISCONSIN)
)
COUNTY OF DANE)

I, Kate Rotenberg, having been duly sworn on oath, state the following to be true and correct based on my personal knowledge:

1. I am employed by the Wisconsin Department of Regulation and Licensing.
2. On July 22, 1997, I served the Final Decision and Order dated July 22, 1997, (and Guidelines for Payment of Costs and/or Forfeitures to Castleberg), LS9705091NHA, upon the Respondent Philip J. Castleberg and his attorney by enclosing a true and accurate copy of the above-described document in an envelope properly stamped and addressed to the above-named Respondent and his attorney and placing the envelope in the State of Wisconsin mail system to be mailed by the United States Post Office by certified mail. The certified mail receipt number on the Respondent's envelope is P 221 157 357 and the certified mail receipt number on his attorney's envelope is P 221 157 358.
3. The address used for mailing the Decision is the address that appears in the records of the Department as the Respondent's last-known address:

Philip J. Castleberg
1344 Longhill Drive
Apopka FL 32712

Maureen Molony, Attorney
44 E. Mifflin Street, Suite 304
Madison WI 53703

Kate Rotenberg
Kate Rotenberg
Department of Regulation and Licensing
Office of Legal Counsel

Subscribed and sworn to before me

this 22nd day of July, 1997.

John Schweitzer
Notary Public, State of Wisconsin
My commission is permanent.

NOTICE OF APPEAL INFORMATION

Notice Of Rights For Rehearing Or Judicial Review, The Times Allowed For Each, And The Identification Of The Party To Be Named As Respondent.

Serve Petition for Rehearing or Judicial Review on:

STATE OF WISCONSIN NURSING HOME ADMINISTRATORS EXAMINING BOARD

1400 East Washington Avenue

P.O. Box 8935

Madison, WI 53708.

The Date of Mailing this Decision is:

July 22, 1997

1. REHEARING

Any person aggrieved by this order may file a written petition for rehearing within 20 days after service of this order, as provided in sec. 227.49 of the *Wisconsin Statutes*, a copy of which is reprinted on side two of this sheet. The 20 day period commences the day of personal service or mailing of this decision. (The date of mailing this decision is shown above.)

A petition for rehearing should name as respondent and be filed with the party identified in the box above.

A petition for rehearing is not a prerequisite for appeal or review.

2. JUDICIAL REVIEW.

Any person aggrieved by this decision may petition for judicial review as specified in sec. 227.53, *Wisconsin Statutes* a copy of which is reprinted on side two of this sheet. By law, a petition for review must be filed in circuit court and should name as the respondent the party listed in the box above. A copy of the petition for judicial review should be served upon the party listed in the box above.

A petition must be filed within 30 days after service of this decision if there is no petition for rehearing, or within 30 days after service of the order finally disposing of a petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30-day period for serving and filing a petition commences on the day after personal service or mailing of the decision by the agency, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing this decision is shown above.)